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OFFICE OF PETITIONS

DECISION GRANTING
PETITION

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In re Application of
Thompson, et al.
Application No. 09/883,089
Filed: June 15, 2001
Attorney Docket No. 9345.17121-CON 1

This is a decision on the petition entitled, "PETITION ACCOMPANYING PARTIAL RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION," filed September 10, 2001 (certificate of mailing date September 6, 2001), requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice). The petition will be treated under 37 CFR 1.53(e).

The application was deposited on June 15, 2001. On July 6, 2001, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that drawing figure 8, as described in the specification, appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figure 8 be accorded a filing date of June 15, 2001 on the basis that 9 sheets of drawing figures, including drawing figure 8, were received in the Patent and Trademark Office (PTO) on June 15, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing June 15, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 9 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 9 sheets of drawing figures, including drawing figure 8, were filed on June 15, 2001. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' request, the \$130.00 petition fee will be credited to deposit account no. 06-2360.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of June 15, 2001, using the copy of drawing figure 8 submitted with the instant petition. Office records will be corrected to show that 9 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy